



*United States Attorney  
Southern District of New York*

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One Saint Andrew's Plaza  
New York, New York 10007*

November 8, 2007

By Hand & Electronic Filing

The Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 533  
White Plains, New York 10601

**Re: United States v. Angela Huang, et al.  
06 Cr. 1006 (KMK)**

Dear Judge Karas:

The Government respectfully submits this letter to respond to some of the issues raised at the Oral Argument on October 30, 2007, and to request a ruling clarifying the scope of the hearing that the Government understands that defendant Bouhari Adoyi ("Adoyi") is seeking relating to Special Agent Sarah Cantwil's affidavit (the "search warrant affidavit") in support of a search warrant of the second floor room (the "second floor room") of the India Building, the building next door to A&B Trading. (A copy of the search warrant and search warrant affidavit is attached as "Exhibit A").

Adoyi has argued that Agent Cantwil's affidavit is misleading, and as a result, the fruits of the search of the second floor room must be dismissed, or in the alternative, a hearing should be granted under Franks v. Delaware, 438 U.S. 154, 164-65 (1978). Specifically, Adoyi claims, without any evidentiary support whatsoever, that law enforcement agents secretly entered the second floor room and used observations gleaned from that entry as part of the basis for the search warrant application. Based upon this speculation, Adoyi seeks to re-open the hearing for additional testimony concerning the search warrant application. This application is factually unsupported and is legally incorrect. Accordingly, both the motion to suppress the fruits of the search and the motion for a Franks hearing should be denied.

**DISCUSSION**

**I. Defendant's Motion to Suppress and for a Franks Hearing Should Be Denied**

As the Court is aware from the prior days of testimony, on July 26, 2006, agents of the United States Secret Service ("Secret Service") made an undercover purchase of counterfeit handbags at A&B Trading from Adoyi and his co-defendant Fuyin Huang, and then arrested both Adoyi and Huang. While the agents were present at A&B Trading, Adoyi consented to a search of the first floor office and a back room at A&B Trading where he sold the bags. In the course of that search, agents recovered various items, including, among other things, stamps that are placed into presses and are used to convert a generic handbag to one bearing a phony designer trademark. (May 21, 2007 Tr. 41). The Government expects that, if called to testify at another hearing, Agent Cantwil would testify that she showed the stamps to Adoyi and confronted him with them.

While the search was ongoing, Adoyi was being monitored by Special Agent Todd Bratz, who got Adoyi water and food. (May 21, 2007 Tr. 41). As Agent Bratz testified, during the time he was sitting with Adoyi, Adoyi asked what was going to happen to him. (June 5, 2007 Tr. 7, 8-9) Then Agent Bratz told him that Adoyi had sold counterfeit bags to an undercover agent and had been seen going to the next door location to fill the orders. (June 5, 2007 Tr. 9). Agent Bratz testified as follows:

Q. When did you leave A&B Trading?

A. We departed this area of A&B Trading after Mr. Adoyi, that conversation we spoke of earlier, he asked me what was going to happen, what was going on, and I told him, you know, we were there conducting arrest warrants that he had already been advised of, and that we were conducting a search of the premises for these fake counterfeit handbags, and I told him at that point that we know that he was involved in it because we had an undercover that went in and made an order, and Mr. Adoyi was seen by agents of the Service exiting A&B Trading, going next door, going up an elevator, coming back down with these handbags that were then provided to our undercover.

So when I told Mr. Adoyi that, he, at that point, after I said, you know, can you help us out with this, we

know you know where it is, and he said yeah, he did know where it was, and it was upstairs.

Q. And after he told you this, what did you do?

A. At that point, we took him, unrestrained him from the chair he was on, handcuffed him behind his back because we had to physically exit the store, go on the public street, on the sidewalk, excuse me, not the street, the sidewalk, and go directly next door to where the elevator was at the time. Upon going to the elevator, we had, I was told previously by, I think, Special Agent Cantwil that it was believed that these counterfeit handbags were actually on the fourth floor. But when we got on the elevator, Mr. Adoyi advised us that we're going to the second floor, which we did.

Q. Once you got to the second floor, what happened?

A. When we got off the elevator on the second floor, Mr. Adoyi exited and walked to the left. I don't remember if it was the first door on the left or second door on the left, but Mr. Adoyi walked out and stood in front of one of the doors immediately on the left, and because he was restrained behind his back, he couldn't point specifically to which door it was; he indicated to me by a head nod at the door in front of him that that's what, that's where the bags were being held. And I asked him, is that the door, and at that point, he gave me an affirmative response, yes, that's where it was.

At that point, I took Mr. Adoyi back down, and we went back to this area, because at that time, that door was staffed by a Secret Service agent, to ensure nobody came in or out of while a search warrant was applied for with your office.

(June 5, 2007 Tr. 8-10).

Accordingly, based upon the investigation, including the undercover purchases, the items already located in A&B Trading, and Adoyi's statements, the search warrant application sought permission to search the second floor room for counterfeit handbags, presses used to manufacture such bags, stamps used to create counterfeit labels, proceeds of counterfeiting activity, and documents evidencing countering activity. (Exhibit A,

Schedule A). In support of that application, paragraphs 16 and 17 of the search warrant affidavit provide:

- "16. Approximately one hour later, Agent-1 returned to A&B Trading, and was informed that there [were] two boxes of handbags at A&B Trading and the remainder of Agent-1's order of handbags was 'next door.' At this time, MOHAMMED ADOYI was arrested at A&B Trading by USSS agents and read his Miranda rights. MOHAMMED ADOYI waived his Miranda rights and stated in sum, substance, and in part that there was a room on the second floor in the building next door where counterfeit bags and presses used to manufacture counterfeit bags were stored.
17. MOHAMMED ADOYI then accompanied USSS agents to the building next door that was marked as the '146 India Building' at 146 West 29<sup>th</sup> Street, New York, New York (the "India Building"). He took the elevator up to the Second Floor of the India Building. When he exited the elevator, he indicated that the first door on the left, directly across the hall from the stairwell, was the room where A&B Trading stored counterfeit handbags and presses used to manufacture counterfeit handbags."

The Supreme Court has held that warrant affidavits are entitled to "a presumption of validity," Franks, 438 U.S. at 171, and should not be parsed in a "hypertechnical manner," United States v. Ventresca, 380 U.S. 102, 109 (1965). Thus, even an untrue statement within the affidavit will not necessarily undermine probable cause. See United States v. Martin, 157 F.3d 46, 52 (2d Cir. 1998). All that is required is that the statements in the affidavit be "believed or appropriately accepted by the affiant as true." Franks, 438 U.S. at 165.

In Franks, the Supreme Court held that a defendant is entitled to an evidentiary hearing only if he can make a substantial preliminary showing that (1) the warrant affidavit contains a false statement, (2) the false statement was included intentionally or recklessly, and (3) the false statement was integral to the probable cause finding. See id. at 155-56.

In order to determine whether the allegedly false information was integral to a probable cause determination, the court must decide whether, after removing the supposedly false

statements, the corrected affidavit still makes out probable cause. United States v. Salameh, 152 F.3d 88, 113 (2d Cir. 1998); United States v. Martin, 426 F.3d 68, 75-76 (2d Cir. 2005) (finding corrected affidavit still supported probable cause); see United States v. Canfield, 212 F.3d 713, 720-21 (2d Cir. 2000) (reversing suppression of evidence where the district court erred as a matter of law in finding insufficient corroboration of informant's undisputed statements); see also United States v. Trzaska, 111 F.3d 1019, 1026 (2d Cir. 1997) (warrant affidavit "excised of the tainted evidence," established probable cause); United States v. Awadallah, 349 F.3d 42, 69-70 (2d Cir. 2003) (finding material witness warrant valid after excising misleading statements).

Under this standard, Adoyi's allegations do not warrant a hearing. Adoyi claims that the search warrant is misleading because he maintains that the agents could only have known that "presses" were stored in the second floor room, as set forth in paragraphs 16 and 17 of the search warrant affidavit, if they had conducted a surreptitious search of that room before obtaining a search warrant. In making this argument, Adoyi relies upon the fact that Agent Bratz did not explicitly testify that Adoyi said that "presses" were in the room.<sup>1</sup> Following the speculative trail, Adoyi contends that the agents put that observation into the affidavit based on an illegal search.

But the Court need not address this issue, because even if the phrase "presses used to manufacture counterfeit bags" is stricken from the search warrant affidavit, there is more than enough factual support for a search warrant authorizing a search of the second floor room. As the Court is aware, this case followed a series of undercover purchases of counterfeit bags from Adoyi. (Exhibit A at ¶¶ 7-16). In at least one instance,

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<sup>1</sup> At the hearing, the Court raised a question about the fact that the redacted investigative summary that was produced as 3500 material on May 21, 2007 does not mention any statement by Adoyi that "presses" were stored in the room. The Government has spoken to Agent Randall Flint, who wrote the summary. Agent Flint indicated that the section of the investigative summary pertaining to the statement and the search by Adoyi were written weeks after the arrest of Adoyi and the search of the second floor room and that the summary was based upon both documents, such as the search warrant affidavit itself and Adoyi's written post-arrest statement made later that evening, and conversations with other agents.

the undercover agent asked for fake bags and agents conducting surveillance saw Adoyi enter the door of the "India Building" and return with the counterfeit bags. (Exhibit A at ¶¶ 10-12). Agents spoke to the owner of the India Building, who confirmed that the second floor room that Adoyi pointed out was being leased by A&B Trading. (Exhibit A at ¶18).

Moreover, Adoyi does not challenge the testimony that he told the agents that bags were in the room. In fact, Adoyi testified as follows on direct examination:

Q. Did they ask you anything about where the bags were kept?

A. Yes.

Q. Did you tell them where the bags were kept?

A. Yes.

Q. Did they ask you about a room on the second floor where bags were kept?

A. Yes, [sir].

Q. And did they take you up to that second floor at any time?

A. Yes, they took me there.

Q. Did they ask you to show them which door was the storage room?

A. Yes, they asked me.

Q. And did you show them?

A. Yes.

(June 20, 2007 Tr. 34). Thus, it is clear that probable cause is established by the information provided in the search warrant affidavit even if the challenged statements from paragraphs 16 and 17 are excised. Since the corrected affidavit still makes out probable cause for the search of the second floor room, Adoyi cannot make the necessary preliminary showing that the alleged false statement was integral to the probable cause finding.

Moreover, although Bratz's testimony is not clear on the issue, there is little doubt that the agents expected to find additional inventory of bags (whether generic or counterfeit), as well as equipment and other accouterments of the counterfeiting business, which includes presses. Indeed, in almost any counterfeiting case (whether involving counterfeit currency or handbags) agents would expect to find various devices used to create the illicit goods along with the finished products. This is especially true in this case, since Agent Cantwil saw the stamps that were recovered and confronted Adoyi with them. It follows that there is no basis for a finding that the statement is false or, more seriously, that the agents intentionally or recklessly included a false statement in the search warrant affidavit.

The second reason the argument fails is that it is simply illogical. Adoyi proffers no reason why the agents would enter the room if they knew that a warrant was being obtained. Nor was there any reason to do so to bolster the probable cause for the warrant. Agents had seen Adoyi retrieve counterfeit merchandise from next door, had identified the room, and had confirmed that it belonged to A&B Trading. Indeed, even without any statement by Adoyi, the warrant would have been issued.

The more logical inference from the evidence - including the fact that the Agent Cantwil and the other agents had experience investigating counterfeiting cases - would be that the agents expected, based upon the investigation and Adoyi's statements, that they would find both counterfeit bags and presses and stamps used to manufacture counterfeit bags in the room. For the foregoing reasons, Adoyi's motion for a Franks hearing should be denied.

**II. Since the Defendant is Not Entitled to an Evidentiary Hearing under Franks, Any Hearing Ordered by the Court Should Be Limited Only to Agent Cantwil's Credibility**

Since Adoyi cannot make a substantial preliminary showing that the false statement was integral to the probable cause finding, the only purpose of the hearing ordered by the Court would be to examine Agent Cantwil's credibility as it related to the testimony she has already given. The Government therefore requests that any hearing set by the Court be limited to the testimony and credibility of Agent Cantwil, who was the agent who swore to the search warrant affidavit. Any other testimony would be collateral to the issues raised by Adoyi, and therefore should be limited by the Court.

The Government understands that, at any hearing, Agent Cantwil would testify that the information concerning Adoyi's statement about the second floor room "in the building next door" came from another agent who communicated that to Agent Cantwil by phone. Agent Cantwil was either in transit or in the United States Attorney's Office when Adoyi was taken to the second floor room. Agent Cantwil would testify that she did not have first-hand knowledge of anything that Adoyi said about the second floor room.

Additionally, due to the concern raised by Adoyi concerning a possible "surreptitious search" of the second floor room prior to the agents obtaining a search warrant, the Government has spoken to the only individuals who spoke to Agent Cantwil by phone on the day of the search of the second floor room, Special Agent Bratz and Supervisory Special Agent Pablo Martinez (who was in charge of the operation at A&B Trading), both of whom indicated to the Government that they did not enter the second floor room nor did they see anyone else enter the second floor room.

**CONCLUSION**

For the foregoing reasons, the defendant's motion to suppress the fruits of the search of the second floor of the India Building should be denied without a hearing. In the event that a hearing is held, the Government requests that the hearing be limited to the credibility of Agent Cantwil.

Respectfully Submitted,

MICHAEL J. GARCIA  
United States Attorney

By: /s/ Steve C. Lee  
Steve C. Lee  
Assistant United States Attorney  
Telephone: (212) 637-2314

cc: Stacey Van Malden, Esq.  
Attorney for Angela Huang


David Patton, Esq.  
Attorney for Bouhari Adoyi

Joel Stein, Esq.  
Attorney for Fuyin Huang

Exhibit A

AO  
(Rev.  
8/97)

## SEARCH WARRANT ON WRITTEN AFFIDAVIT

<b>United States District Court</b>	DISTRICT  <b>SOUTHERN DISTRICT OF NEW YORK</b>	
UNITED STATES OF AMERICA v.  THE PREMISES KNOWN AND DESCRIBED AS THE SECOND FLOOR ROOM AT THE "INDIA BUILDING" LOCATED AT 146 WEST 29 <sup>th</sup> STREET, NEW YORK, NEW YORK, 10001, AND ANY CLOSED CONTAINERS AND ITEMS CONTAINED THEREIN.	DOCKET NO.	MAGISTRATE'S CASE NO.
	To: <b>ANY AUTHORIZED FEDERAL AGENT</b>	
<p>Affidavit(s) having been made before me by the below-named affiant that he has reason to believe that on the premises known and described as</p> <p>THE PREMISES KNOWN AND DESCRIBED AS THE SECOND FLOOR ROOM AT THE "INDIA BUILDING" LOCATED AT 146 WEST 29<sup>th</sup> STREET, NEW YORK, NEW YORK, 10001, AND ANY CLOSED CONTAINERS AND ITEMS CONTAINED THEREIN.</p> <p>in the Southern District of New York there is now being concealed property, namely</p> <p style="text-align: center;"><b>SEE EXHIBIT A.</b></p>		
<p>and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and that the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s),</p> <p>YOU ARE HEREBY COMMANDED to search on or before <u>8/14/06</u> (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (At any time in the day or night)* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to <u>Any U.S. Magistrate Judge</u> as required by law.</p>		
NAME OF AFFIANT  <b>SA Sarah E. Cantwil, USSS</b>	SIGNATURE OF JUDGE OR U.S. MAGISTRATE  	DATE/TIME ISSUED <b>7/26/06</b> <b>9:15 am</b>

\* If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

**SCHEDULE A**

The following items, which constitute evidence, instrumentalities, or fruits, of a scheme and conspiracy to traffic in counterfeit goods, in violation of Title 18, United States Code, Sections 371 and 2320 may be seized:

1. Counterfeit handbags, including but not limited to brands such as "Coach," "Burberry" and Christian Dior;
2. Presses used to manufacture counterfeit bags;
3. Stamps used to create counterfeit labels to be affixed in counterfeit handbags
4. Records and documents evidencing ownership, tenancy, and/or occupancy of THE SECOND FLOOR ROOM and also of A&G Trading, Inc.
5. Any cash, checks, money orders, or other negotiable financial instruments that may be proceeds of the fraud.
6. Any safety deposit boxes, safes, key-lock strong boxes, and other types of locked or closed containers that may contain any of the items listed in Schedule A, items 1-5.

United States District Court

DISTRICT

Southern District of New York

UNITED STATES OF AMERICA

v.

PREMISES KNOWN AND DESCRIBED AS

THE PREMISES KNOWN AND DESCRIBED AS  
THE SECOND FLOOR ROOM AT THE  
"INDIA BUILDING" LOCATED AT  
146 WEST 29<sup>th</sup> STREET, NEW YORK,  
NEW YORK, 10001, AND ANY CLOSED  
CONTAINERS AND ITEMS CONTAINED  
THEREIN.

DOCKET NO.

MAGISTRATE'S CASE NO.

To:

United States Magistrate Judge

The undersigned being duly sworn deposes and says: That he/she has reason to believe that

☐

on the person of

☒

on the premises known

DISTRICT

Southern District of New York

THE PREMISES KNOWN AND DESCRIBED AS

THE PREMISES KNOWN AND DESCRIBED AS THE SECOND FLOOR ROOM AT THE "INDIA  
BUILDING" LOCATED AT 146 WEST 29<sup>th</sup> STREET, NEW YORK, NEW YORK, 10001, AND  
ANY CLOSED CONTAINERS AND ITEMS CONTAINED THEREIN.

The following property is concealed:

SEE ATTACHED AFFIDAVIT

Affiant alleges the following grounds for search and seizure<sup>2</sup>

SEE ATTACHED AFFIDAVIT

See attached affidavit which is incorporated as part of this affidavit for search warrant

Affiant states the following facts establishing the foregoing grounds for issuance of a Search Warrant

SEE ATTACHED AFFIDAVIT

SIGNATURE OF AFFIANT

OFFICIAL TITLE, IF ANY

Sworn to before me, and subscribed in my presence:

DATE

January 9, 2006 7/26/06

JUDGE<sup>1</sup> OR FEDERAL MAGISTRATE JUDGE

<sup>1</sup> United States Judge or Judge of a State Court of Record.

<sup>2</sup> If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure 41(c), show reasonable cause therefor

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :

- v. - :

**AFFIDAVIT IN SUPPORT  
OF AN APPLICATION FOR  
SEARCH WARRANT**

THE PREMISES KNOWN AND DESCRIBED :  
AS THE SECOND FLOOR ROOM AT THE :  
"INDIA BUILDING" LOCATED AT :  
146 WEST 29<sup>th</sup> STREET, NEW YORK, :  
NEW YORK, 10001, AND ANY CLOSED :  
CONTAINERS AND ITEMS CONTAINED :  
THEREIN. :

- - - - -X

STATE OF NEW YORK )

ss.:

SOUTHERN DISTRICT OF NEW YORK )

SARAH E. CANTWIL, being duly sworn, deposes and says:

1. I am a Special Agent with the United States Secret Service ("USSS"). I make this Affidavit pursuant to Rule 41 of the Federal Rules of Criminal Procedure for the issuance of a warrant to search THE PREMISES KNOWN AND DESCRIBED AS THE SECOND FLOOR ROOM AT THE INDIA BUILDING, LOCATED AT 146 WEST 29<sup>TH</sup> STREET, NEW YORK, NEW YORK, 10001 ("SECOND FLOOR ROOM"). I have participated in numerous investigations of criminal activity, including investigations on the trafficking of counterfeit goods. During those investigations, I have executed or participated in the execution of numerous search warrants and seized evidence of these violations.

2. I have participated in the investigation of this matter, and I am familiar with the information contained in this affidavit based on my own personal participation in the

investigation, my review of documents and video, conversations I have had with other law enforcement officers about this matter, and my training and experience as a USSS agent. Because this affidavit is being submitted for the limited purpose of establishing probable cause to search THE SECOND FLOOR ROOM described below, I have not included the details of every aspect of the investigation in this affidavit. Except where otherwise indicated, the actions, conversations, and statements of others included within this affidavit are reported in substance and in part.

3. As set forth more fully below, and in the Complaint in United States v. Angela Hung, Gen LNU, and Mohammed LNU, 06 Mag. 1060 (attached hereto as Exhibit A), there is probable cause to believe that ANGELA HUNG, GEN LNU, and MOHAMMED ADOYI, are engaged in a conspiracy to knowingly traffic counterfeit handbags, in violation of Title 18, United States Code, Sections 371 and 2320. Moreover, I submit that there is probable cause to believe that now located in THE SECOND FLOOR ROOM are fruits, instrumentalities, and evidence of violations of Title 18, United States Code, Section 371 (conspiracy to traffic in counterfeit goods). Such evidence consists of the items set forth in Schedule A to the Search Warrant. In addition, such evidence may be stored in secure locations like safety deposit boxes, safes, key-lock strong boxes, and other types of locked or

closed containers in an effort to prevent the discovery or theft of these items.

THE SECOND FLOOR ROOM

4. THE SECOND FLOOR ROOM, which I respectfully submit there is probable cause to believe has evidence and instrumentalities of violations of federal law, is a room in the India Building, that is located at 146 West 29<sup>th</sup> Street, New York, New York.

5. Based on my conducting visual surveillance of THE SECOND FLOOR ROOM and conversations with MOMHAMMED ADOYI, I know that the SECOND FLOOR ROOM is in the "India Building" located at 146 West 29<sup>th</sup> Street, adjacent to A&B Trading, Inc ("A&B Trading"). The building is a twelve story cinder block building with the main entrance in between a freight elevator another storefront, all facing 29<sup>th</sup> Street. The SECOND FLOOR ROOM is on the second floor of this building, with a metal door immediately to the left of exiting the elevator. The door to the SECOND FLOOR ROOM is also directly opposite the stairwell on the second floor.

PROBABLE CAUSE THAT FRUITS, INSTRUMENTALITIES, AND EVIDENCE OF THE CRIME ARE LOCATED IN THE SECOND FLOOR ROOM

6. USSS has been investigating a conspiracy to traffic in counterfeit bags originating out of 146 West 29<sup>th</sup> Street, New York, New York. I have spoken with other law enforcement agents and representatives of United States Citizenship and Immigration

Services ("Immigration") and have learned the following:

7. On or about May 17, 2006, a confidential informant (the "CI") informed an undercover USSS agent ("Agent-1") with information about counterfeit handbags that were being sold from A&B Trading, Inc. ("A&B Trading") at 146 West 29<sup>th</sup> Street in New York City. Later that day, the CI and an undercover Secret Service agent ("Agent-1") visited A&B Trading at 146 West 29<sup>th</sup> Street in New York City. During this visit, Agent-1 arranged a purchase with two individuals, an African male who introduced himself as "Mohammed," later identified as MOHAMMED ADOYI and an Asian male who was later identified as GEN LNU. Agent-1 asked to purchase six "Coach" handbags, twenty-four "Burberry" handbags, and six "Christian Dior" handbags. GEN LNU told Agent-1 that the total price was \$480 and told Agent-1 that he could pick up the handbags in an hour.

8. Agent-1 returned to A&B Trading approximately one hour later and MOHAMMED ADOYI provided Agent-1 with a black garbage bag filled with the handbags that he had ordered.

9. On or about June 7, 2006, Agent-1 returned to A&B Trading. During this visit, Agent-1 arranged another purchase of counterfeit handbags with two individuals, MOHAMMED ADOYI, and an Asian female who was later identified as ANGELA HUNG. During the course of this visit, Agent-1 placed an order with MOHAMMED ADOYI for 12 "Coach" handbags, 20 "Christian Dior" handbags, and 12

"Burberry" handbags for a total of \$804. After accepting payment, MOHAMMED ADOYI then told Agent-1 to return in a half hour to pick up the handbags.

10. Approximately a half hour later, Agent-1 returned to A&B Trading and MOHAMMED ADOYI provided him with black trash bags filled with the handbags that Agent-1 had ordered. Both MOHAMMED ADOYI and ANGELA HUNG, who was also inside A&B Trading, instructed Agent-1 to go to the corner of 29<sup>th</sup> Street and 7<sup>th</sup> Avenue so that MOHAMMED ADOYI could provide Agent-1 with two more large bags filled with the remainder of the handbags that he had ordered. Agent-1 then left A&B Trading, went to his car, and drove to the corner of 29<sup>th</sup> Street and 7<sup>th</sup> Avenue.

11. When Agent-1 left A&B Trading, I, along with other USSS agents conducted visual surveillance of the area around A&B Trading. I observed MOHAMMED ADOYI enter a door to the building immediately to the left of A&B Trading, that was marked as the "India Building" and was also marked with the address of 146 West 29<sup>th</sup> Street. I then observed MOHAMMED ADOYI leaving the India Building five minutes later with two large black garbage bags and walking toward the corner of 29<sup>th</sup> Street and 7<sup>th</sup> Avenue.

12. I then followed MOHAMMED ADOYI and observed him meet, Agent-1 at the corner of 29<sup>th</sup> Street and 7<sup>th</sup> Avenue. I observed MOHAMMED ADOYI hand Agent-1 two large garbage bags filled with the counterfeit handbags that he had ordered.

13. On or about July 24, 2006, Agent-1 returned to A&B Trading. During this visit, Agent-1 arranged another purchase of counterfeit handbags with two individuals, MOHAMMED ADOYI, and GEN LNU. During the course of this visit, Agent-1 placed an order with MOHAMMED ADOYI for 22 "Coach" handbags for a total of \$374. After accepting payment, MOHAMMED ADOYI then told Agent-1 to return in a half hour to pick up the handbags.

14. Agent-1 returned to A&B Trading approximately a half hour later and engaged in a conversation with MOHAMMED ADOYI and GEN LNU. During this conversation, MOHAMMED ADOYI provided Agent-1 with a large trash bag filled with the handbags that he had ordered. Agent-1 then spoke to MOHAMMED ADOYI and GEN LNU arranged a large purchase of 900 counterfeit handbags for July 26, 2006.

15. On July 26, 2006, Agent-1 returned to A&B Trading and arranged a purchase of approximately 1000 "Coach," "Burberry," and other brand name bags with MOHAMMED ADOYI. MOHAMMED ADOYI then instructed Agent-1 to return in an hour to complete the transaction.

16. Approximately one hour later, Agent-1 returned to A&B Trading, and was informed that there two boxes of handbags at A&B Trading and the remainder of Agent-1's order of handbags was "next door." At this time, MOHAMMED ADOYI was arrested at A&B Trading by USSS agents and read his Miranda rights. MOHAMMED

ADOYI waived his Miranda rights and stated in sum, substance, and in part that there was a room on the second floor in the building next door where counterfeit bags and presses used to manufacture counterfeit bags were stored.

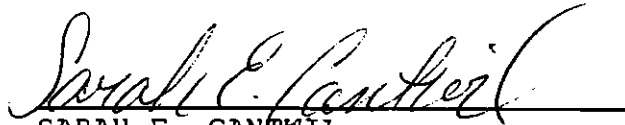
17. MOHAMMED ADOYI then accompanied USSS agents to the building next door that was marked as the "146 India Building" at 146 West 29<sup>th</sup> Street, New York, New York (the "India Building"). He took the elevator up to the Second Floor of the India Building. When he exited the elevator, he indicated that the first door on the left, directly across the hall from the stairwell, was the room where A&B Trading stored counterfeit handbags and presses used to manufacture counterfeit handbags.

18. USSS agents also spoke to the owner of the India Building (the "Owner") who confirmed that the second floor room that MOHAMMED ADOYI had identified as storing counterfeit handbags and presses used to manufacture counterfeit handbags was currently being leased by A&B Trading.

#### CONCLUSION

19. Based on the foregoing, I respectfully request that the Search Warrant sought in this affidavit issue pursuant to Rule 41 of the Federal Rules of Criminal Procedure, permitting authorized agents or officers to enter THE SECOND FLOOR ROOM

therein to search for and seize the items listed in Schedule A to the Search Warrant.

  
SARAH E. CANTWIL  
Special Agent  
United States Secret Service

Subscribed and sworn before me  
this 16<sup>th</sup> day of July, 2006.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

**SCHEDULE A**

The following items, which constitute evidence, instrumentalities, or fruits, of a scheme and conspiracy to traffic in counterfeit goods, in violation of Title 18, United States Code, Sections 371 and 2320 may be seized:

1. Counterfeit handbags, including but not limited to brands such as "Coach," "Burberry" and Christian Dior;
2. Presses used to manufacture counterfeit bags;
3. Stamps used to create counterfeit labels to be affixed in counterfeit handbags
4. Records and documents evidencing ownership, tenancy, and/or occupancy of THE SECOND FLOOR ROOM and also of A&G Trading, Inc.
5. Any cash, checks, money orders, or other negotiable financial instruments that may be proceeds of the fraud.
6. Any safety deposit boxes, safes, key-lock strong boxes, and other types of locked or closed containers that may contain any of the items listed in Schedule A, items 1-5.